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 United States of America

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Criminal Case No. 08CR1541-JAH
)	
Plaintiff,)	DATE: June 16, 2008
)	TIME: 8:30 a.m.
v.)	Before Honorable John A. Houston
)	
IGNACIO HERNANDEZ-GARCIA,)	UNITED STATES' STATEMENT OF
)	FACTS AND MEMORANDUM OF
Defendant(s).)	POINTS AND AUTHORITIES

I

STATEMENT OF THE CASE

The Defendant, Ignacio Hernandez-Garcia (hereinafter "Defendant"), was charged by a grand jury on May 13, 2008, with violating 8 U.S.C. § 1324(a)(1)(A)(ii), transportation of illegal alien(s), and aiding and abetting. Defendant was arraigned on the two-count Indictment the same day, and entered a plea of not guilty.

II

STATEMENT OF FACTS

Defendant was apprehended on April 20, 2008 by United States Border Patrol Agents ("BPAs") near Calexico, California. That morning, BPAs had received information that several individuals had entered the United States illegally by floating up the New River from Mexico. At

1 approximately 11:00 a.m., a BPA conducting surveillance near Calexico, California observed
2 several suspected illegal aliens emerge from the New River and enter an awaiting vehicle at the
3 intersection of Kubler and Clark Roads. That vehicle, a 1996 GMC Jimmy, was operated by
4 Defendant. After the suspected aliens entered the vehicle, Defendant began towards to drive
5 towards Calexico, California. The BPA conducting surveillance notified other BPAs about his
6 observations.

7 As the vehicle approached the intersection of Highway 98 and Rivera Street, two BPAs in
8 the area activated their service vehicles' emergency equipment consisting of lights and siren.
9 Defendant yielded, coming to a stop. The BPAs observed four individuals in the rear of the
10 vehicle, attempting to hide from view. The four passengers, including Maria Valencia-Pareja and
11 German Perez-Celestino (hereinafter "the material witnesses"), stated to a BPA that they were
12 citizens and nationals of Mexico illegally present in the United States. The material witnesses later
13 also stated that they were not in possession of any immigration documents allowing them to enter
14 or to remain inside the United States, and stated that arrangements were made in Mexico to pay
15 a fee for the purpose of being smuggled into the United States. Perez-Celestino stated that he was
16 to pay \$2,000 USD to be smuggled. Valencia-Pareja identified Defendant as the driver of the
17 vehicle.

18 III

19 UNITED STATES' MOTION FOR RECIPROCAL DISCOVERY

20 To date, the United States has provided Defendant with 50 pages of discovery. The United
21 States moves the Court to order Defendant to provide all reciprocal discovery to which it is entitled
22 under Rules 16(b) and 26.2. Rule 16(b)(2) requires Defendant to disclose to the United States all
23 exhibits and documents which Defendant "intends to introduce as evidence in chief at the trial"
24 and a written summary of the names, anticipated testimony, and bases for opinions of experts
25 Defendant intends to call at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence.

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IV

CONCLUSION

For the foregoing reasons, the government respectfully requests that its motion be granted.

DATED: June 2, 2008.

Respectfully submitted,

KAREN P. HEWITT
United States Attorney

s/ William A. Hall, Jr.
WILLIAM A. HALL, JR.
Assistant United States Attorney